

STATE OF NEW YORK : COUNTY OF ERIE  
COUNTY COURT : PART 17

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HSBC BANK USA, N.A.,  
Plaintiff,

against

Index Number  
2013-605767

CHRISTOPHER M. WHITE a/k/a CHRISTOPHER  
WHITE; HSBC MORTGAGE CORPORATION (USA);  
BUFFALO URBAN RENEWAL AGENCY;  
BENEFICIAL HOMEOWNER SERVICE CORPORATION;  
NEW YORK STATE DEPARTMENT OF TAXATION  
AND FINANCE CIVIL ENFORCEMENT-CO-ATC;  
"JOHN DOE" AND "JANE DOE" said names being  
fictitious, it being the intention of  
"Plaintiff" to designate any and all occupants  
of the premises being foreclosed herein,

Defendants.

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25 Delaware Avenue  
Buffalo, New York 14202  
May 21, 2015

B e f o r e :

HONORABLE SHEILA A. DiTULLIO  
County Court Judge.

A p p e a r a n c e s:

Gleichenhaus, Marchese, Weishaar, PC,  
By: ROBERT B. GLEICHENHAUS, ESQ.,  
43 Court Street, Suite 930,  
Buffalo, New York 14202,  
Appearing on behalf of the Plaintiff.

KEISHA WILLIAMS, ESQ.,  
237 Main Street, Suite 1030,  
Buffalo, New York 14203,  
Appearing on behalf of the Defendant.

Kathleen R. Burdzy, CSR, RMR, CMRS  
Senior Court Reporter

1 THE COURT: Yes. For the record, this is  
2 HSBC Bank, plaintiff, Mr. Robert Gleichenhaus,  
3 attorney, versus Christopher M. White, defendant,  
4 represented by Ms. Keisha Williams. It's my  
5 understanding that there's a settlement.

6 MR. GLEICHENHAUS: That is my understanding,  
7 your Honor. We just wanted to put it on the record.

8 THE COURT: Sure.

I want to thank the Court for the Court's hand in helping reach settlement on this. I'd like to thank

1 Ms. Williams for working through this and certainly  
2 facilitating the finalization by sending this off.

3 THE COURT: Yes. Mr. Gleichenhaus,  
4 Ms. Williams, I think we all were very reasonable on  
5 this. Ms. Williams, is that all correct?

6 MS. WILLIAMS: That is all correct, your  
7 Honor.

8 THE COURT: So the case has been settled.  
9 You received the loan modification; your client signed  
10 that?

11 MS. WILLIAMS: Yes, your Honor.

12 THE COURT: And, Ms. Williams, then you'll be  
13 withdrawing your motion?

14 MS. WILLIAMS: Yes, your Honor.

15 THE COURT: Great.

16 MS. WILLIAMS: Just --

17 THE COURT: Go ahead.

18 MS. WILLIAMS: In the interest of full  
19 disclosure, I just want to say that my office has filed  
20 a cross action complaint against Fein, Such and Crane,  
21 the plaintiff's attorneys. It's not related to this  
22 matter I don't think, so -- it's a totally different  
23 issue. This issue in this case was about the  
24 reasonableness of the fees in this case.

25 THE COURT: Yes, I remember that.

1                   MS. WILLIAMS: The class action is about  
2                   their debt collection practices, and so I don't want it  
3                   to seem as if I'm going back on my word as far as  
4                   whether or not this case will be -- whether or not my  
5                   motion will be withdrawn. My motion in this case will  
6                   be withdrawn.

7                   MR. GLEICHENHAUS: Your Honor, I'm a little  
8                   shocked or taken aback. I have no knowledge of that  
9                   lawsuit. I don't know if it's been served yet, or, I  
10                  mean, and, quite frankly, I'm not sure that that should  
11                  be seen in good faith in regard to the settlement of  
12                  this case. This case had the firm I'm here on behalf  
13                  of settle to, in effect, avoid the litigation, but it  
14                  had disputed every inference of bad faith including  
15                  some of these allegations that I'm not even sure what  
16                  has been contained in this new action, but it sounds  
17                  like some of the same, which was settled. I guess  
18                  we'll have to see what that action is.

19                  I'd like the Court to just take note of my  
20                  personal thought, I'm really almost aghast at that.  
21                  Usually when a case is settled, it's not then the  
22                  expectation that there will be another case involving  
23                  the same case being brought in whatever court that is.  
24                  But --

25                  THE COURT: Yeah, that's a little surprising,

1           but I guess, Ms. Williams, we can say for this case  
2           that your client received the loan modification as you  
3           requested, your client signed it.

4           MS. WILLIAMS: Yes, your Honor.

5           THE COURT: And you're withdrawing your  
6           motion on this case --

7           MS. WILLIAMS: Yes.

8           THE COURT: -- as far as any bad faith.

9           MS. WILLIAMS: As far as any bad faith.

10          THE COURT: So this case is settled.

11          MR. GLEICHENHAUS: Yes, your Honor.

12          THE COURT: And I would hope, I hear what  
13          you're saying, Mr. Gleichenhaus, this case is settled,  
14          but now there's a threat of another lawsuit. That's  
15          kind of unsettling. But let's take it step by step.  
16          This case is settled. If there's a new lawsuit filed,  
17          we'll let that unfold.

18          MR. GLEICHENHAUS: And should that new  
19          lawsuit come in front of you, your Honor?

20          MS. WILLIAMS: It was filed in federal court.

21          THE COURT: In federal court, okay.

22          MR. GLEICHENHAUS: Well, I guess I'm not  
23          knowledgeable as to that particular case and what it  
24          entails, so it's not for me to say anything more in  
25          this court on --

1                   THE COURT: On that case.

2                   MR. GLEICHENHAUS: -- on that case.

3                   THE COURT: But I would think, Ms. Williams,  
4                   that lawsuit would have to be totally separate from  
5                   this.

6                   MS. WILLIAMS: It's totally separate, your  
7                   Honor. It's about their debt collection practice in  
8                   general. It's -- this case, we settled the fees in  
9                   this case. Your Honor did not rule on my motion, so  
10                  the issues in that case were not settled. The amount  
11                  of the fees we agreed to -- they agreed to lower it.  
12                  That settled. But I can't afford -- my law firm cannot  
13                  afford to file a case every time I have an issue with  
14                  them about their fees, and so I think the best way to  
15                  do this would be to file a class action lawsuit, so  
16                  that's what we did.

17                  MR. GLEICHENHAUS: Your Honor, we'll --

18                  THE COURT: We'll take it step --

19                  MR. GLEICHENHAUS: -- take that up  
20                  independently. And I thank you and this court for  
21                  helping resolve this matter.

22                  THE COURT: Yeah. At least this matter is  
23                  resolved. Your client's satisfied, Ms. Williams?

24                  MS. WILLIAMS: He is, your Honor.

25                  THE COURT: And you withdraw any kind of bad

1 faith motion in this case?

2 MS. WILLIAMS: Yes, I do.

3 THE COURT: We will leave it at that.

4 MR. GLEICHENHAUS: Thank you, your Honor.

5 THE COURT: Thank you. Yes. Send a letter  
6 to the court confirming that. That would be great. If  
7 you need the transcript from this, you can certainly  
8 request it from Ms. Burdzy.

9 MR. GLEICHENHAUS: Thank you, your Honor.

10 MS. WILLIAMS: Thank you, your Honor.

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12 The foregoing 7 pages are certified to be a true and  
13 accurate transcript according to my stenographic notes.

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15 Kathleen R. Burdzy, CSR, RMR, CMRS  
Senior Court Reporter

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